

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and Statement of Commitments in Schedule 3.



Anthony Roberts
Minister for Planning

Sydney 12 / 12 / 2018

SCHEDULE 1

Project Approval:	MP 11_0001 granted by the Planning Assessment Commission on 26 March 2014
For the following:	Maritime Facility, including: • Land component: boat storage facility, amenities, exhibition space, community work space and running maintenance workshop, green roof, earthworks, separate exhibition pavilion and kiosk, and a publicly accessible foreshore walk • Water component: fixed wharf, floating pontoons, three (3) dolphins, publicly accessible timber walkway, and piling
Proponent:	Sydney Maritime Museum Ltd trading as Sydney Heritage Fleet
Approval Authority:	Minister for Planning
Land:	Lot 1 DP 1049334, Lot 107 DP1076596, Part Lot 19 DP 803159, Part Lot 20 DP 803159, Part Lot 22 DP 803159
Modification No	MP 11_0001 MOD 3:
Modification	Charter and tourism boating facility for the mooring of 22 vessels for a temporary period, including: • Land component: Demountable office building, storage compound, shipping containers, car and bicycle parking spaces, public open space and landscaping. • Water component: fixed wharf, floating pontoons, publicly accessible walkway, and piling.

Proponent:

Urban Growth NSW

Land:

Lot 107 DP1076596, Part Lot 5 DP 1209992, Part Lot 19 DP 803159, Part Lot 20 DP 803159, Lot 21 DP 803159, Lot 22 DP 803159

DEFINITIONS

1. Replace definitions in their entirety with the following definitions

Advisory Notes	Advisory information relating to the Approval but do not form a part of this Approval
Proponent	Urban Growth NSW
Amended Statement of Commitments	Amended Statement of Commitments prepared by Roberts Day dated May 2017
Application	The project application and the accompanying drawings plans and documentation described in Condition A3
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Construction	All physical work to enable operation
Council	City of Sydney Council
Crown Building Works Certificate	Certification of Crown building works under section 109R of the EP&A Act
Certifying Authority	Means a person who is authorised by or under section 85A to issue complying development certificates, or is authorised by or under section 109D to issue Part 4A certificates, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment or its successors
Development	The development described in the EA and PPR, as modified by the MP11_0001 MOD 1, MP11_0001 MOD 2, MP11_0001 MOD 3 and conditions of this approval.
DPI	Department of Primary Industries, or its successor
Evening	The period from 6 pm to 10 pm
EA	The Environmental Assessment titled ' <i>Sydney Heritage Fleet, Environmental Assessment Report</i> ', prepared by Hamptons Property Services dated 17 November 2012 and accompanying appendices, submitted with the application for approval for the development, including any additional information provided by the Proponent in support of the application.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Heritage Division	The Heritage Division of OEH, or its successor
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm. Note: "material harm" is defined in this Approval.
Land	As defined in the EP&A Act
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning, or nominee
MP11_0001 MOD 1	The modification application MP11_0001 MOD 1 and the accompanying drawings plans and documentation prepared by Hamptons Property Services dated 19 August 2015
MP11_0001 MOD 2	The modification application MP11_0001 MOD 2 and the accompanying drawings plans and documentation prepared by Roberts Day dated 22 November 2016 and Response to Submissions prepared by Roberts Day dated December 2016
MP11_0001 MOD 3	The modification application MP11_0001 MOD 3 and the accompanying drawings plans and documentation prepared by Roberts Day dated May 2017

and Preferred Project Report prepared by Roberts Day dated 27 November 2017 and Revised Preferred Project Report prepared by Roberts Day dated 3 April 2018.

Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this Approval but is not an incident.
OEH	Office of Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction
PCA	Means a principal certifying authority appointed under section 109E of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work
PPR	Preferred Project Report titled ' <i>Preferred Project Report Relocation of Sydney Heritage Fleet</i> ' prepared by Hamptons Property Services dated 18 December 2013.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department, or nominee
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the proponent to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TNSW	Transport for NSW, or its successor
Zone of influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth

SCHEDULE 2 TERMS OF APPROVAL

- 2. Delete Part A – Deferred Commencement and Part B – Administrative Conditions in their entirety and replace with the following Part A – Administrative Conditions**

PART A – ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1 In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

Development Description

- A2 Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Schedule 1.

Terms of Approval

- A3 The development may only be carried out:
- a) in compliance with the conditions of this approval;
 - b) in accordance with all written directions of the Secretary;
 - c) generally in accordance with the EA and PPR;
 - d) modifications of the approval, including MP11_0001 MOD 1, as modified by MP11_0001 MOD 2, as modified by MP11_0001 MOD 3;
 - e) amended Statement of Commitments; and
 - f) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Bennett and Trimble			
Drawing No.	Revision	Name of Plan	Date
S75W2-01	6	Context	25/06/2018
S75W2-02	6	Site Analysis	25/06/2018
S75W2-03	6	Constraints Plan	25/06/2018
S75W2-04	6	Site Program	25/06/2018
S75W2-05	6	Site Plan	25/06/2018
S75W2-05A	6	Site Plan – Floating Wharf	25/06/2018
S75W2-06	6	Site Plan 1:200	25/06/2018
S75W2-07	6	Site Plan 1:200	25/06/2018
S75W2-08	6	Landscape Plan	25/06/2018
S75W2-09	6	Administration Plan	25/06/2018
S75W2-10	6	Administration Roof Plan	25/06/2018
S75W2-11	6	Bank Street Elevation	25/06/2018
S75W2-12	6	Elevations 1	25/06/2018

S75W2-13	6	Elevations 2	25/06/2018
S75W2-14	6	Sections	25/06/2018
Structural Drawings prepared by Taylor Launder Bersten Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
S2000	C	Floating Structure – General Arrangement	20/09/2017
Navigational Impact Assessment Drawings prepared by Royal Haskoning DHV			
Drawing No.	Revision	Name of Plan	Date
Map 2	-	Maritime and Navigation Features	17/11/2017
Map 3	-	Proposed Marina Detail Plan	17/11/2017
Map 4	-	Proposed Marina Existing Bathymetric Levels	15/11/2017
Map 5	-	Proposed Marina Berthing Plan	15/11/2017
Map 6	-	Proposed Marina Manoeuvring Area	15/11/2017

Secretary's Directions

- A4 Consistent with the requirements in this approval, the Secretary may make written directions to the Proponent in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this Approval, including those that are required to be, and have been, approved by the Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of approval or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between Documents

- A5 The conditions of this approval and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A3. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A3, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of Approval or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Development Expenses

- A6 It is the responsibility of the Proponent to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

Limits on Approval

- A7 This approval will lapse five years from the date of the approval unless the works associated with the development have physically commenced.
- A8 The operation of this approval from the commencement of the operation of this use is restricted to a maximum of five years.
- A9 No dredging of the seabed is permitted.

A10 No anti-fouling activities are permitted.

A11 No approval is given for heavy-duty industrial, shipyard type maintenance and restoration activities such as metal riveting, boiler-making and the like.

A12 The use of the abutment of the Glebe Island Bridge for any purpose is not permitted.

Prescribed Conditions

A13 The Proponent must comply with all relevant prescribed conditions of development approval under Part 6, Division 8A of the EP&A Regulation.

Long Service Levy

A14 For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

A15 Any advice or notice to the Approval authority must be served on the Secretary.

Review of Strategies, Plans and Programs

A16 Within three months of:

- a) the submission of a compliance report under Condition A18 and A19 and Condition B5;
- b) the submission of an incident report under Condition A20;
- c) the approval of any modification to the conditions of the approval; or
- d) the issue of a direction of the Secretary under Condition A4,

the strategies, plans and programs required under this approval must be reviewed, and the Department must be notified in writing that a review is being carried out.

If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval must be revised to the satisfaction of the Secretary. Where revisions are required, the revised document must be submitted to the Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Evidence of Consultation

A17 Where conditions of this approval require consultation with an identified party, the Proponent must:

- (a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Proponent and the party consulted; and
 - ii. details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

Non-Compliance Notification

- A18 The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A19 The notification must identify the development and the application number for it, set out the condition of Approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Incident Notification, Reporting and Response

- A20 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Condition A21, A22 and A23.

Written Incident Notification and Reporting Requirements

- A21 A written incident notification addressing the requirements set out in Condition A20 must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under Condition A20 or, having given such notification, subsequently forms the view that an incident has not occurred.

Written Incident Notification Requirements

- A22 Written notification of an incident must:
- identify the development and application number;
 - provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - identify how the incident was detected;
 - identify when the proponent became aware of the incident;
 - identify any actual or potential non-compliance with conditions of Approval;
 - describe what immediate steps were taken in relation to the incident;
 - identify further action that will be taken in relation to the incident; and
 - identify a project contact for further communication regarding the incident.

Incident Report Requirements

- A23 Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested. The Incident Report must include:
- a summary of the incident;
 - outcomes of an incident investigation, including identification of the cause of the incident;
 - details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - details of any communication with other stakeholders regarding the incident.

Monitoring and Environmental Audits

- A24 Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 2B of Part 6 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the Approval or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the Approval or the environmental management or impact of the development.

Applicability of Guidelines

- A25 References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.

However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Revised Statement of Commitments

- A26 Within 3 months of the date of this approval, the Proponent shall submit revised Statement of Commitments to the Secretary for approval.

END OF PART A

3. **Delete Part C – Modifications, Part D – Prior to the Issue of a Construction Certificate and Part E – Prior to Construction in their entirety and replace with the following Part B – Prior to the Commencement of Works**

PART B PRIOR TO THE COMMENCEMENT OF WORKS

Crown Building Work

- B1 Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- a) the date of the invitation for tenders to carry out Crown building work; or
 - b) in the absence of tenders, the date on which the Crown building work commences.

Notification of Commencement

- B2 The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.

If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Community Communication Strategy

- B3 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:

The Community Communication Strategy must:

- a) identify people to be consulted during the design and construction phases;
- b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Secretary for approval no later than two weeks before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Secretary.

The Community Communication Strategy, as approved by the Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Compliance

- B4 The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this Approval relevant to activities they carry out in respect of the development.

Compliance Reporting

- B5 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.

The Pre-Construction Compliance Report must include:

- a) details of how the terms of this approval that must be addressed before the commencement of construction have been complied with; and
- b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.

The Construction Compliance Reports must include:

- a) a results summary and analysis of environmental monitoring;
- b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
- d) a register of any modifications undertaken and their status;
- e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- f) a summary of all incidents notified in accordance with this approval; and
- g) any other matter relating to compliance with the terms of this approval or requested by the Secretary.

Complaints and Enquiries Procedure

- B6 Prior to the commencement of construction works, or as otherwise agreed by the Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - b) a postal address to which written complaints and enquiries may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.

Access to Information

- B7 At least 48 hours before the commencement of construction and until the completion of all works under this Approval, or such other time as agreed by the Secretary, the Proponent must:
- a) make the following information and documents (as they are prepared, obtained or approved) publicly available on its website:
 - i. the documents referred to in Condition A3 of this Approval;
 - ii. all current statutory approvals for the development;
 - iii. all approved strategies, plans and programs required under the conditions of this Approval;
 - iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this Approval;
 - v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this Approval, or any approved plans and programs;
 - vi. a summary of the current stage and progress of the development;
 - vii. contact details to enquire about the development or to make a complaint;
 - viii. a complaints register, updated monthly;
 - ix. audit reports prepared as part of any independent environmental audit of the development and the Proponent's response to the recommendations in any audit report;
 - x. any other matter required by the Secretary; and
 - b) keep such information up to date, to the satisfaction of the Secretary.

Independent Environmental Audit

- B8 No later than two weeks before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with AS/NZS ISO 190-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- b) assesses whether the development is complying with the terms of this Approval;
- c) reviews the adequacy of any document required under this Approval; and
- d) recommends measures or actions to improve the environmental performance of the development, improvements to any document required under this Approval.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

External Walls and Cladding

- B9 The external walls of all buildings including additions to existing buildings (new works) must comply with the relevant requirements of the BCA.

Before the commencement of the relevant works, the Proponent must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

The Proponent must provide a copy of the documentation to the Certifying Authority and to the Secretary within seven days after the Certifying Authority accepts it.

Structural Details

- B10 Prior to the commencement of the relevant works, the Proponent shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- a) the relevant clauses of the BCA; and
- b) the Project Approval.

Access from Bank Street

- B11 Prior to the commencement of the relevant works, the Proponent shall submit to the Certifying Authority amended plans to improve the pedestrian and vehicular movement from Bank Street as follows:

- a) the vehicle access/driveway crossover from Bank Street (Foreshore Vehicle and Pedestrian Access), including ingress and egress points from Bank Street and internal manoeuvring shall fully comply with the requirements of Australian Standard AS 2890.2 including the required 300mm clearance.

Amended plans detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the commencement of the works.

Landscaping of the Site

- B12 A detailed **Landscape Plan**, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Secretary prior to the commencement of the relevant land-based works. The Landscape Plan must include:

- a) location of existing and proposed structures on the site including trees (if applicable)
- b) details of earthworks, including mounding and retaining walls and planter boxes (if applicable)
- c) location, number and type of plant species
- d) details of planting procedure and maintenance
- e) details of drainage and watering systems

- f) details of maintenance.

Details demonstrating compliance with this condition must be submitted to Council and the Certifying Authority prior to the commencement of works.

Flooding Impacts

B13 In order to provide protection from flooding, the design shall be amended to incorporate the following:

- a) flood compatible materials and finishes must be adopted throughout the ground floor. Particular attention should be directed at ensuring that the inundation of the ground floor will not damage plant equipment;
- b) power supply points and mechanical, electrical and communications equipment, and storage cabinets should be located a minimum of 0.5 m above the projected 1% AEP 'high' 2050 water level (i.e. a minimum elevation of 2.3 m AHD);
- c) the provision of appropriate signage, properly stowed emergency life rings in the identification of an emergency muster point/ safe refuge area to address the issue of the public safety of pedestrians accessing the timber boardwalk from flooding from Blackwattle Bay; and
- d) clear access to ensure the safe evacuation of staff and visitors to an emergency muster point/ safe refuge area in the event of a large flood.

Amended plans detailing compliance with (a) and (b) above must be submitted for the approval of the Certifying Authority prior to the commencement of works relating to the land-based component of the project.

Amended plans detailing compliance with (c), (d) and (e) above must be submitted for the approval of the Certifying Authority prior to the commencement of works relating to the water-based component of the project.

Maritime Archaeology

B14 If the scope of works of the development is altered in any way that will directly impact on the seafloor, including piling and any other services, an assessment of the impacts must be undertaken by a suitably qualified maritime archaeologist in accordance with the relevant Heritage Division guidelines and separate approval obtained from the relevant Approval authority.

Stormwater Drainage

B15 The combined stormwater drainage capacity (i.e. piped and overland flow) must be designed in consultation with the City of Sydney Council to convey flow up to the 100 year ARI storm event and not exacerbate the current level of ponding in Bank Street adjacent to the north-east boundary of the site. The detailed design should consider the following factors:

- a) any relevant findings of the Blackwattle Bay Catchment Area Flood Study;
- b) future increases to Sydney metropolitan rainfall intensities (as identified in the NSW Government's Practical Consideration of Climate Change); and
- c) the requirements of the City of Sydney Council's Draft Stormwater Drainage Design Code in relation to the flow conditions along any overland flow path during a 100 year ARI storm event (maximum depth 0.2 m; maximum velocity 1 m/s).

Engineering drawings detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the commencement of land-based works.

Stormwater Quality – Stormwater Pollution Trap

B16 A stormwater drainage pollution trap designed in accordance *Environmental Action for Marinas, Boatsheds and Slipways (OEH June 2007)* must be provided. The trap must be capable of collecting litter, sediments and hydrocarbons to treat runoff from all hard-paved areas prior to discharge into Blackwattle Bay. Engineering drawings detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the commencement of land-based works.

Water Conservation and Re-Use Measures

B17 In order to reduce the development's demand for portable water, the following water conservation and re-use measures must be adopted:

- a) a 5kL (minimum) rainwater tank to store stormwater runoff from the green roof area for re-use in toilets. The level of the tank outlet must be located at a minimum elevation of 2.3 m AHD (i.e. the projected 1% AEP 'high' 2050 water level plus a 0.5 m freeboard allowance) to prevent backflow from any sea level rise, tides, storm surges and/or waves from Blackwattle Bay;
- b) 4-star efficiency rated toilets, sinks, basins and bathroom taps and showers; and
- c) water saving devices, such as dual flush toilets and AAA rated flow regulators to all showers and taps should be installed in all areas to reduce water consumption and promote energy efficiency to reduce the project's water demands

Plans detailing compliance with the above must be submitted for the approval of the Certifying Authority prior to the commencement of land-based works.

Footpath Damage Bank Guarantee

B18 Footpath Damage Bank Guarantee calculated on the basis of 50 linear metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

Photographic Record / Dilapidation Report – Public Domain

B19 Prior to the commencement of works, a photographic recording of the public domain site frontages must be prepared and submitted to the Certifying Authority's satisfaction. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:

- a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) each image is to be numbered and cross referenced to a site location plan; and
- d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any

apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

- e) include written confirmation, issued with the authority of both the Proponent and the photographer, that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the Proponent and the photographer must be included.

Reflectivity

- B20 The visible light reflectivity from building materials used on the facades of any buildings shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the commencement of the relevant works.

Bicycle Parking

- B21 A minimum of 5 bicycle parking spaces are to be provided for staff.

Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.

Outdoor Lighting

- B22 All outdoor lighting (including any signage illumination) shall comply with, where relevant, AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of the relevant works.

Access for People with Disabilities

- B23 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Sydney Water Assets

- B24 Building plans must be stamped and approved by Sydney Water prior to the issue of a Crown Building Works Certificate, due to the proximity of works to Sydney Water assets.

For further assistance, please visit www.sydneywater.com.au or telephone 13 20 92.

Requirements of Public Authorities

- B25 The Proponent must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.

Demolition Works

- B26 Demolition work must comply with the provisions of *Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001)*. The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety

requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.

Approved Plans to be On-Site

B27 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Hoarding

B28 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- a) architectural, construction and structural details of the design as well as proposed artwork; and
- b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of land-based construction works on site.

Barricade Permit

B29 Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of land-based work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

Road Occupancy Licence

B30 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Proponent to use a specified road space at approved times, provided certain conditions are met. The Proponent must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

Maritime Exclusion Zone

B31 The Proponent shall contact RMS at least four weeks prior to the establishment of any maritime exclusion zone and provide details of the start and end dates for the maritime exclusion zone and associated construction activities. Details should be sent to maritimeplanning@rmsw.nsw.gov.au.

Construction Licence

B32 If required, the Proponent shall ensure it has obtained a Construction Licence from RMS in respect to any required occupation of RMS land during construction, prior to the commencement of works.

Service Vehicles

B33 Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS

2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to the commencement of works.

Construction Environmental Management Plan

B34 Prior to the commencement of works, the Proponent shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development and be submitted to the Certifying Authority. The CEMP must:

- a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
- b) describe all activities to be undertaken on the site during site establishment and construction of the development;
- c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- d) detail statutory and other obligations that the Proponent is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- e) be prepared in consultation with the Council, EPA, DPI, RMS, TNSW, Ports Authority and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;
- f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts;
- h) document and incorporate all relevant environmental management plans, control plans, studies and monitoring programs required under this part of the Approval; and
- i) include arrangements for community consultation and complaints handling procedures during construction.

In the event of any inconsistency between the Approval and the CEMP, the Approval shall prevail.

Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Secretary.

Construction Pedestrian Traffic Management Plan

B35 Prior to the commencement of works, a **Construction Pedestrian Traffic Management Plan (CPTMP)** prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with Council, TNSW (Sydney Coordination and Metro Delivery Offices) and RMS. The CPTMP shall address (but not be limited to):

- a) location of the proposed work zone;
- b) haulage routes;
- c) construction vehicle access and traffic control arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;

- f) any changes required to on-street parking;
- g) construction program;
- h) consultation strategy for liaison with surrounding stakeholders
- i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;
- j) cumulative construction impacts of projects including considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network;
- k) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
- l) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and
- m) measures to encourage public transport use and other non-car travel options by construction workers.

Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Secretary.

Construction Noise and Vibration Management Plan

B36 Prior to the issue of the relevant Crown Building Works Certificate, a **Construction Noise and Vibration Management** (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):

- a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*
- b) identify nearby sensitive receivers and land uses;
- c) identify the noise management levels for the project;
- d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
- e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
- f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Acoustic Assessment report (Ref: TJ524-01F02 (r5)) dated 24 November 2017, and Response to comments dated 12 February 2018, both prepared by Renzo Tonin & Associates;
- g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
- h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this Approval are not exceeded.

Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Secretary.

Waste Management Plan

B37 Prior to the commencement any construction (including demolition), a **Waste Management Plan (WMP)** must be prepared and submitted to the PCA. The WMP must:

- a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
- b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
- c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
- e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site;
- f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and

The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012*.

Stormwater Management Plan

B38 Prior to the commencement of works a Stormwater Management Plan must be submitted to the Certifying Authority. This plan must include an Erosion and Sediment Control Plan and systems, processes and procedures for the implementation, operation and management of:

- a) temporary boundary treatment and stormwater overland flow path to direct any overflow from Bank Street around the works area;
- b) procedures for management of any spills; and
- c) management of all excess spoil and construction wastes.

A copy of the approved plan must be provided to the Secretary and Council prior to the commencement of works.

Acid Sulphate Soil Management Plan

B39 An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the land-based works.

Contamination

B40 Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the EPA and the Certifying Authority.

The UFP must be developed considering the findings of the Construction Environmental Management Plan – Proposed temporary maritime support facility, 5 Bank Street Pyrmont NSW (dated 8 May 2017) at Appendix R to the EIS. The UFP must include measures to deal with unexpected finds of asbestos containing materials and lead-based paint.

The UFP must be implemented for the duration of the land-based construction works.

Preservation of Survey Marks

- B41 All works in Council controlled streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box).
- a) Prior to commencement of construction, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.
 - b) At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.
 - c) A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

Vehicle Footway Crossing

- B42 A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing in Bank Street and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Traffic Works

- B43 Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

Ausgrid

- B44 Prior to the commencement of works on site, the Proponent shall submit to the satisfaction of the Certifying Authority documentation that confirms:
- a) All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq mm stranded copper, insulated earthwire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground;
 - b) Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement may be relaxed upon assessment of a supplied fencing design.

Foreshore Walkway

B45 A foreshore walkway is to be provided along the full length of the foreshore of the site. The walkway is to be:

- a) a minimum of 10 metres in width and located above the mean high water mark for its entire length
- b) open to the public 24 hours per day, 7 days a week
- c) designed as a shared pathway able to accommodate both pedestrians and cyclists
- d) designed to link with future foreshore access on adjoining properties.

No cantilevering of buildings over the foreshore walk is permitted.

B46 Amended drawings demonstrating compliance with Condition B45 are to be submitted to and approved by the Secretary prior to the commencement of the relevant works. The drawings must illustrate the amended design of the driveway, ramp and associated landscaping, to ensure the foreshore walkway is a minimum of 10 m and unobstructed along the full length of the foreshore of the site.

END OF PART B

4. Delete Part F – During Construction in its entirety and replace with the following Part C – During Construction.

PART C DURING CONSTRUCTION

Construction Hours

- C1 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
- b) between 8 am and 1 pm, Saturdays.

No construction work may be carried out on Sundays or public holidays

Activities may be undertaken outside of these hours if required:

- a) by the Police or a public authority (not the Proponent) for the delivery of vehicles, plant or materials; or
- b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- a) 9 am to 12 pm, Monday to Friday;
- b) 2 pm to 5 pm, Monday to Friday; and
- c) 8.30 am to 12 pm, Saturday.

Noise and Vibration Management

- C2 The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.
- C3 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.
- C4 Heavy vehicles and oversized vehicles must not queue or idle on Bank Street outside of construction zones awaiting access to the Subject Site.
- C5 The Proponent must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- C6 Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and

- c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

Approved plans to be onsite

- C7 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- C8 A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
 - a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Site Contamination Issues During Construction

- C9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SafeWork NSW Requirements

- C10 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

Hoarding/Fencing Requirements

- C11 The following hoarding requirements must be complied with:
 - a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - b) the construction site manager must be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

Implementation of Management Plans

- C12 The Proponent must ensure the requirements of the **Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan and Construction Waste Management Plan** required by Part B of this Approval are implemented during construction.

Waste Management

C13 Notwithstanding C14 above, the Proponent must ensure that:

- a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- e) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and
- f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

Asbestos and Hazardous Waste Removal

C14 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with *Waste Classification Guidelines (NSW EPA, 2014)*. The Proponent must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

C15 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

Covering of Loads

C16 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

C17 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Dust Control Measures

C18 Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- a) Physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
- b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- c) All materials shall be stored or stockpiled at the best locations;
- d) The work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;

- e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
- f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
- g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- h) Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

Stockpile Management

C19 The Proponent must ensure:

- a) stockpiles of excavated material do not exceed 4 metres in height;
- b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
- c) suitable erosion and sediment controls are in place for stockpiles.

Erosion and Sediment Control

C20 All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

No Obstruction of Public Way

C21 The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

Contact Telephone Number

C22 The Proponent must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Operation of Plant and Machinery

C23 All plant and equipment used on site, or to monitor the performance of the development must be:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

Acid Sulfate Soils

C24 The Proponent must ensure that any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or otherwise disturbed during construction is managed in accordance with:

- a) the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee);
- b) the EPA's *Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils)*; and
- c) the *Acid Sulfate Soils Management Plan required under condition B39*.

Bunding

C25 The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards,

Pollution of Waters

- C26 No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the *Protection of the Environment Operations Act 1997*.

Significant Fabric Protection

- C27 The Proponent must ensure significant building fabric identified as being at risk of damage is protected for the duration of construction from potential damage. Protection systems must be implemented to ensure that there is no unapproved removal or alteration of significant fabric or elements.

Seawall Discovery During Excavation

- C28 If the former sea wall is exposed during excavation works an archaeologist must be called to the site to record the location and the extent of the feature prior to its removal. A report should be submitted to the Heritage Branch at the Office of Environment and Heritage regarding the recording.

Archaeological Monitoring and Reporting

- C29 The recommendations of the Due Diligence Aboriginal Archaeological Assessment prepared by AMAC Archaeological and Streat Archaeological Services and dated May 2017 shall be adhered to during the course of the development.

Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

- C30 If during the course of construction the Proponent becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Council of New South Wales must be notified immediately and consulted with regard to the recommencement of works.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

- C31 If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from Office of Environment and Heritage is received by the Proponent.

Water Safety and Navigation

- C32 The proposed construction works are not to interfere with the movement of seagoing ships unless agreed in advance with the Harbour Master. This requirement must be included in the Marine Traffic Management Plan required by the Harbour Master Approval issued by Sydney ports Corporation, dated 26 April 2013. Pursuant to the Harbour Masters Approval, the following is required:
- a) buoys are not to be laid in or adjacent to the shipping channels unless agreed in advance with Harbour Master;
 - b) all buoys are to be fitted with lights;
 - c) all vessels associated with the construction works are to have Response Plans for emergencies and spills;
 - d) the Proponent must provide the Harbour Master with an "All Hours" contact number during construction of the facility;
 - e) any marine spill (whether the spill occurs on water or occurs on land and subsequently enters the water) is to be immediately reported to Sydney Ports VTS on 9296 4000; and

- f) any material associated with the construction of the development that enters the water is to be immediately retrieved. Should the material not be retrieved, Sydney Ports will organise for its removal and recover the cost from the Proponent.

Loading and Unloading During Construction

C33 The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site;
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council;
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities;
- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level; and
- e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

Measures to prevent sediment disturbance of the seabed

C34 The Proponent shall ensure that all the proposed works are carried out in a way that minimises the disturbance of the seabed.

Operation of vessels during construction over shallow areas is to be conducted during periods when there is sufficient water depth to avoid propeller dredging of the underlying sediment.

Measures to avoid turbidity and scouring of the sea floor shall be implemented throughout construction works.

Protection of Stone Kerbs

C35 The existing stone kerbs on the Bank Street frontage of the site are to be retained and properly protected during excavation and construction works.

- a) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by City officers) must be re-installed in accordance with Council's standard details and specifications after the construction and / or excavation works have been completed.

Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate.

Note: All costs associated with the works are to be at no cost to the Council.

- b) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council's officers.
- c) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

- d) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by Council's officers. All unused stone kerbs are to be salvaged and returned to the Council's store.
- e) Council approval is required before kerbs are removed.

Use of Mobile Cranes

- C36 Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.00am without the prior approval of Council.

Access Driveways to Be Constructed

- C37 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Paving Materials

- C38 The surface of any material used or proposed to be used for paving must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Encroachments – Neighbouring Properties

- C39 No portion of the proposed structure shall encroach onto the adjoining properties.

Encroachments – Public Way

- C40 No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Cost of Signposting

- C41 All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the proponent.

Remediation work

- C42 Remediation works are to be carried out generally in accordance with the approved site audit report 0503-1410 Bank Street, Pyrmont NSW prepared by JBS&G Australia Pty Ltd dated 28 April 2015 and Remedial Action Plan prepared by SLR Consulting Pty Ltd dated 23 April 2015, that were submitted to and approved by the Secretary on 17 August 2015, or as otherwise agreed to by the appointed EPA accredited site auditor.

END OF PART C

5. Delete Part G – Prior to the Issue of an Occupation Certificate/Prior to Operations in its entirety and replace with the following Part D – Prior to Occupation or Commencement of Use.

PART D PRIORTO COMMENCEMENT OF THE USE / OPERATIONS

Fire Safety Certificate

- D1 Prior to occupation or commencement of use, a Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to occupation. A copy of the Fire Safety certificate must be submitted to the relevant authority, Secretary and Council.

Section 94 Contributions

- D2 Prior to occupation or commencement of use, a contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

Cash Contribution Required

- (a) In accordance with the adopted *City of Sydney Development Contributions Plan 2015* a cash contribution must be paid to Council for the amount specified below.

Amount of Contribution

- (b) The amount of the contribution is \$55,087.

Note: The contribution will be indexed annually, see paragraphs (e) and (f) below.

Purposes for which Contribution Required

- (c) The contribution is required, and must be held and applied in accordance with the Act and the *City of Sydney Development Contributions Plan 2015*, for the purposes, and in the proportions, set out in that Plan.

Timing of Payment

- (d) The contribution must be paid prior to the commencement of the development. Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted.

Indexing

- (e) The contribution rate in the *City of Sydney Development Contributions Plan 2015* will be adjusted in accordance with clause 2.2 of the Plan being not less than annually.
- (f) If the contribution rate is adjusted between the date on which this Approval is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.

Operational Plan of Management

- D3 Prior to occupation or commencement of the use, an **Operational Plan of Management** (OPM) prepared by a suitably qualified person shall be submitted to and approved by the Secretary. The OPM must be prepared in consultation with Council, RMS, the EPA and the Port Authority of NSW. The OPM shall address (but not be limited to):
- a) governance and operational strategies for the precinct;
 - b) roles and responsibilities of key employees involved in overseeing the management and operation of the precinct;
 - c) hours of operation;

- d) statutory approvals applying to the operation of the precinct;
- e) documentation and incorporation of all management plans, strategies and guidelines required under this part of the Approval;
- f) detail how the environmental performance of the development would be monitored and managed, and identify what actions would be taken to address potential impacts;
- g) loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management and lighting; and
- h) community consultation and complaints management procedures.

Prior to occupation or commencement of the use, a copy of the OPM must be submitted to the Council and the Certifying Authority.

Water Safety and Navigation – Sydney Ports Operational Requirements

D4 Prior to occupation or commencement of use, the Proponent is to prepare an updated **Marine Traffic Management Plan** and shall be submitted to and approved by RMS and the Harbour Master. The Plan must include:

- a) adopt all mitigation measures in the Navigational and Safety Impact Assessment, including location of navigational aids;
- b) the operation of the development is not to interfere with the movement of trading vessels unless agreed in advance with the Harbour Master. This requirement must be included in the Marine traffic Management Plan;
- c) buoys are not to be laid in or adjacent to the shipping channels unless agreed in advance with Harbour Master;
- d) all buoys are to be fitted with lights;
- e) RMS and the Harbour Master reserve the right to require light aids to navigation to be fitted to the southern ends of the new jetties;
- f) any marine spill (whether the spill occurs on water or occurs on land and subsequently enters the water) is to be immediately reported to Sydney Ports VTS on 9296 4000;
- g) any material associated with the operation of the development that enters the water is to be immediately retrieved. Should the material not be retrieved, Sydney Ports will organise for its removal and recover the cost from the Proponent; and
- h) the Proponent is to prepare a Communications Plan, for implementation during operation of the development, which is to be approved by the Harbour Master prior to operations commencing. The Plan must include / address 24/7 contact details, communication protocols for vessel departing the facility and protocols for emergencies.

Prior to occupation or commencement of the use, a copy of the approved Marine Traffic Management Plan must be submitted to the Secretary.

Operational Noise and Vibration Management Plan

D5 Prior to occupation or commencement of the use, an **Operational Noise and Vibration Management Plan** (NVMP) prepared by a suitably qualified person shall be submitted to the Secretary for approval. The NVMP must be prepared in consultation with Council and the EPA. The NVMP shall include (but not be limited to):

- a) be prepared in accordance with the EPA's *Industrial Noise Policy*
- b) identify nearby sensitive receivers and land uses;
- c) identify the noise limits applying to the development;

- d) identify all key sources of operational noise and vibration;
- e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration;
- f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Acoustic Assessment report (Ref: TJ524-01F02 (r5)) dated 24 November 2017, and Response to comments dated 12 February 2018, both prepared by Renzo Tonin & Associates;
- g) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this approval are not exceeded.

Prior to the commencement of use, a copy of the approved NVMP must be submitted to Council, the Secretary and the EPA.

Green Travel Plan

- D6 A **Green Travel Plan** must be submitted to and approved by the Secretary prior to occupation or commencement of use. The Plan should incorporate initiatives to encourage sustainable transport practices by both staff and visitors.

Note: It is recommended the proponent contact a member of the Transport and Access Unit, to discuss the Green Travel Plan with Council, prior to its submission.

Stormwater Quality - Stormwater Management Plan

- D7 Prior to occupation or commencement of use, the Proponent must prepare and implement a **Stormwater Management Plan** to the satisfaction of the certifying authority. This plan must include systems, processes and procedures for the implementation, operation and maintenance of:
- a) the stormwater pollution trap; and
 - b) chemical, oil or fuel spills.

Waste Management Plan

- D8 Prior to the occupation or commencement of use, a **Waste Management Plan** (WMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The WMP must be prepared in consultation with Council.

The WMP must outline all measures that would be implemented to ensure the effective management of operational waste associated with the development. The WMP must outline how waste would be minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation.

Prior to the commencement of use, a copy of the WMP must be submitted to Council, the EPA and the Secretary.

Flood Evacuation Plan

- D9 A **Flood Evacuation Plan** must be prepared prior to occupation or commencement of use to ensure the safe evacuation of volunteers and visitors to an emergency muster point/safe refuge area in the event of a large flood.

Mechanical Ventilation

- D10 Prior to occupation or commencement of use, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the Certifying Authority, prior to the use of the development, that the installation and performance of the mechanical systems complies with:

- a) the Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) the Project Approval and any relevant modifications; and
- d) any dispensation granted by the Fire and Rescue NSW.

Road Damage

- D11 The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Proponent prior to the occupation or commencement of the use.

Sydney Water Compliance

- D12 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to the use of the development.

Utility Providers

- D13 Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Fire Safety Certification

- D14 Prior to occupation or commencement of use, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this Approval. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

Structural Inspection Certificate

- D15 A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the use of the development and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Post-Construction Dilapidation Report

- D16 Prior to occupation or commencement of the use:
- a) the Proponent must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage

to adjoining buildings (except those owned by UrbanGrowth NSW), infrastructure and roads.

- b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings (except those owned by UrbanGrowth NSW), infrastructure and roads, the Certifying Authority must:
- c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
- d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
- e) a copy of this report is to be forwarded to the Council and the Secretary and each of the affected property owners.

Right Of Way

D17 Prior to occupation, a Right of Way must be drafted which provides 24-hour public access over the foreshore walkway and the foreshore vehicle and pedestrian access for the duration of the approved use. The Right of Way must have a minimum width of 10 metres along the foreshore walkway.

The terms of the Right of Way shall be to satisfaction of the Secretary and must be registered on the land title within three months of occupation.

Street Numbering and Building Name

D18 Prior to occupation or commencement of use, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with Council's Policy on Numbering of Premises. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

Completion of Landscaping

D19 All landscaping in the approved landscape plan is to be completed prior to occupation or commencement of use.

Road Damage

D20 The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development shall be met in full by the Proponent prior to occupation or commencement of use.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.

End-of-Trip Bicycle Facilities

D21 End-of-trip bicycle facilities must be available on site for use by staff/employees.

Foreshore promenade Provisions for Cyclists and Pedestrians

D22 The foreshore walkway and foreshore vehicle and pedestrian access are to be shared ways for use by pedestrians and cyclists.

Outdoor Lighting

D23 All outdoor lighting shall comply with the relevant Australian Standards. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to occupation or commencement of use.

Internal Lighting

D24 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted for the approval of the Certifying Authority prior to occupation or commencement of use.

Remediation

D25 Prior to occupation or commencement of use, the Proponent shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, the Secretary, the Certifying Authority and the Council.

The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the EPA to issue site audit statements. The site audit must verify that the land is suitable for the proposed use.

On completion of any required remediation works, the relevant requirements of clauses 17 and 18 of SEPP 55 – Remediation of Land, being notification to Council, shall be complied with.

Environment Protection Licence

D26 Prior to occupation or commencement of use relating to a Scheduled Activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* an Environment Protection Licence must be obtained.

Artistic Fence Wrap

D27 Prior to occupation or commencement of use, the final detailed design of the artistic perimeter fence wrap must be submitted to and approved by the Secretary.

END OF PART D

6. Delete Part H – During Operations in its entirety and replace with the following Part E – Post Occupation or During Use.

PART E POST OCCUPATION OR DURING USE

Operational Management

E1 The **Operational Plan of Management** (refer to Condition D3), **Operational Noise and Vibration Management Plan** (refer to Condition D5) and all relevant plans must be fully implemented during use of the premises.

Hours of Operation

E2 The hours of operation shall be restricted as outlined in the table below.

Land Use	Hours of Operation
General land and water-base activities (offices, marina, boat movements etc)	7 am to 1 am (7-days-a-week)
Waste collection	7 am to 6 pm Monday to Friday 8 am to 1 pm Saturday to Sunday
Minor serving, running maintenance* and sewerage pump-out	7 am to 6 pm Monday to Sunday
Loading dock activities, including deliveries to and from the site and vehicle movements	7 am to 6 pm Monday to Friday 8 am to 1 pm Saturday to Sunday
Forklift activities	7 am to 8 pm Monday to Friday 7 am to 1 pm Saturday to Sunday

***Note:** Only running maintenance as described in the PPR of the Fleet's operational vessels shall take place on site. Running maintenance would generally involve light activities such as cleaning, deck washing, touch-up painting/ varnishing, brass polishing and would generally be undertaken using hand-held equipment*

Noise Limits – General Operation - Intrusiveness

E3 The Proponent must ensure that the noise generated by the development does not exceed the noise limits at the residential receivers identified in the table below.

Residential Receiver Number and Location*	Noise limit (7 am to 6 pm) LAeq(15 minute) dB(A)	Noise limit (6 pm to 10 pm) LAeq(15 minute) dB(A)	Noise limit (10 pm to 1 am) LAeq(15 minute) dB(A)
2 Bowman Street, Pyrmont	63	61	57
1 Distillery Drive, Pyrmont	63	61	57
2 Distillery Drive, Pyrmont	63	61	57
120 Saunders Street, Pyrmont	63	61	57

***Note:** Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.*

Noise Limits – General Operation - Amenity

E4 The Proponent must ensure that the noise generated by the development does not exceed the noise limits at the residential receivers identified in the table below.

Residential Receiver Number and Location*	Noise limit (7 am to 6 pm) LAeq dB(A)	Noise limit (6 pm to 10 pm) LAeq dB(A)	Noise limit (10 pm to 1 am) LAeq dB(A)
2 Bowman Street, Pyrmont	60	50	45
1 Distillery Drive, Pyrmont	60	50	45
2 Distillery Drive, Pyrmont	60	50	45
120 Saunders Street, Pyrmont	60	50	45

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Noise Control – Plant and Machinery

E5 Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or
- exhibit tonal, impulsive or other annoying characteristics.

Noise Monitoring

E6 During general operations, the Proponent shall undertake noise monitoring to confirm compliance with the noise limits in Conditions E3 and E4 of this Approval. In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance and the NVMP required under Condition D5 be updated to include such measures.

Amplified Music

E7 Amplified music from vessels is prohibited at all times when vessels are berthed at the marina.

Passengers Embarking and Disembarking

E8 No passengers are permitted to embark or disembark from vessels at any time.

Built Structures and Open Areas

E9 All buildings, structures, shipping containers, open areas, perimeter fencing (and artistic wrap) of the site must be:

- maintained in a proper and efficient condition; and
- operated in a proper and efficient manner.

Operation of plant and equipment

- E10 All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Acoustic Shield – Sewerage Pump-Out

- E11 An acoustic shield around the sewerage pump-out equipment must be in place at all times, maintained in a proper and efficient condition, and operated in a proper and efficient manner.

RMS requirements

- E12 The requirements of the RMS must be adhered to at all times during the operation of facility and include the following:
- a) the proposed buildings and structures are clear of all parcels acquired by RMS (RTA) for the Anzac Bridge and associated easements;
 - b) RMS access to all RMS (RTA) structures and easements is not denied;
 - c) the integrity of the easements is not to be compromised;
 - d) pneumatically operated bollards controlled by the RMS Security Control Room are to be installed at the site entrance;
 - e) the obstruction of RMS CCTV cameras on the bridge is not permitted;
 - f) the concrete benches at the entrance to the area is to be of vehicle mitigation; construction standards to provide adequate protection of the area; and
 - g) manifests for the equipment stored within containers to be supplied on demand to provide details on potentially harmful chemicals and compounds stored within, providing protection of the structure.

Vessel Refuelling

- E13 No vessel refuelling is permitted at the site at any time.

Public Access

- E14 The Proponent must ensure that public access to the site is maintained and is not unduly obstructed at any time.

Loading

- E15 All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Signs/Goods in the Public Way

- E16 No signs or goods are to be placed on the footway or roadway adjacent to the property.

Storage and Handling of Waste

- E17 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

No Pollution of Waters

- E18 No part of this approval provides any approval to pollute waters. The Proponent must ensure that any water quality, temperature and quantity discharge off-site complies with the requirements of the *Protection of the Environment Operations Act 1997*.

Bunding

- E19 The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Air / Odour Emissions

- E20 The use of the operation must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

Gaseous emissions from the operation must comply with the requirements of the *Protection of the Environment Operations Act 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

Annual Fire Safety Certificate

- E21 An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

Ausgrid

- E22 Ausgrid requires 24-hour access along the proposed easement for plant and personnel. In the event of cable failure the entire site may need to be shut down for up to 3 months to enable repairs. For the purpose of exercising its rights, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5 m wide must be provided to each asset.

END OF PART E

SCHEDULE 3

REVISED STATEMENT OF COMMITMENTS

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
01	Overall	The proponent will undertake the proposed development in accordance with the stamped plans and documentation, including consultant reports, as may be approved, and in accordance with any Conditions of Consent which may be imposed.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	As part of the ongoing operation of the site.
02	Air Quality	The proponent will control dust emissions during construction in order to manage any short-term impact on the local community. Dust emissions are not anticipated to be significant. However the proponent will prepare and implement an Air Quality Sub-Plan which will be incorporated into the Construction Environment Management Plan (CEMP) and outline details of dust management measures, such as: • the identification of conditions during which particularly dust-producing activities may be curtailed or ceased; • dust suppression measures (e.g. water bowzers and sprays) which may be employed to dampdown earthworks or hard- standing areas during construction; • the provision of dust screens; • appropriate management of stockpiled materials; • visual inspection of off-site compliance; and • a clear communication strategy for the management and prompt investigation of dust complaints The CEMP will be prepared with reference to Section 4.16 of the OEHs Local Government Air Quality Toolkit,	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		"Module 1: Air pollution control techniques".		
03	Air Quality	In the event that the Stage 2 – Detailed Investigation identifies the potential for the emission of odour or contaminated dust from the site to occur, these impacts would be specifically addressed by the proponent within any remediation strategy and CEMP.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage.
04	Air Quality	The disturbance of sediment from Blackwattle Bay also poses a significant risk of causing short-term acute odour impacts. As such, where sediment needs to be drawn to the surface, the CEMP will provide specific measures to minimise the potential for odour impacts, which may include preventing the material from drying and minimising exposure times.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.
05	Air Quality.	The proponent will prepare an odour management plan as part of the CEMP that will provide a proactive management procedure to record activities and observations on-site, provide a range of odour control methods to manage the risk of odour emissions during construction activities and provide a methodology for the recording and response to any received odour complaints. In addition, to reduce the impact of construction plant emissions, plant will be located as far from local receptors as practicable and engines should not be left idling when not in use. Stationary trucks will also switch off engines if idling time on-site is likely to exceed 2 minutes and will avoid using the local road network during peak traffic periods. All equipment used on site should also be maintained to the required performance standards. These details will be included in the CEMP.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
06	Air Quality	The proponent will prepare and implement an odour management plan which will be included within the Operational Environmental Management Plan (OEMP) . The odour management plan will provide a pro-active management procedure to record activities and observations on-site and provide a range of odour control methods to manage the risk of odour emissions from operational activities. In addition, the odour management plan will outline a methodology for the recording and response to any received odour complaints. The proponent will prepare this with reference to the OEH's Local Government Air Quality Toolkit, "Module 3: Guidelines for managing air pollution for the appropriate management and investigation of odour complaints".	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing operation of the site.
07	Air Quality	The proponent will seek to manage any fugitive emissions from the internal workspaces through careful use and bunded storage of solvents, and the provision of spill clean-up kits including absorbing materials to minimise the potential for VOC emissions. In addition, waste solvents will be properly stored in sealed and marked containers to contain vapours and removed from site for treatment or disposal at a suitable waste management facility. Where feasible, products and agents with lower VOC content will be used. These details will be included within the OEMP.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing operation of the site.
08	Air Quality	The proponent will ensure, where possible, that the delivery of liquid fuels will utilise reciprocal feeds, so that the tank vapours are displaced into the delivery vehicle rather than	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		being emitted to the atmosphere as a fugitive emission. In addition, any dust, scrapping waste and debris and empty stripper/varnish/solvent containers will be managed and disposed of in an appropriate manner, as discussed in the SLR Consulting Waste Management Plan. These details will be included within the OEMP.		operation of the site.
09	Air Quality	The proponent will ensure that any coal handling activities will be carefully managed to ensure particulate emissions are minimised. Bunker portals should be enclosed (or partially enclosed where shown to be effective) by the use of a curtain. In addition, appropriate PPE should be worn by workers during any removal of grate ash from the coal-fired boilers to avoid health risks associated with respirable particulates. These details will be included within the OEMP. At the	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Occupation Certificate stage and as part of the ongoing operation of the site.
10	Air Quality	The proponent will ensure that, taking account of the approved circumstances pursuant to the POEO Regulation 2010, all practicable means are employed to prevent and minimise the emission of smoke.	Sydney Heritage Fleet Future Operator	As part of the ongoing operation of the site.
12	Aquatic Flora and Fauna	The proponent will include the appropriate protection measures within the CEMP which ensures that adverse impacts are not imposed upon adjacent areas of aquatic habitat. The CEMP will need to be prepared and submitted with an application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
13	Aquatic Flora and Fauna	The proponent will select a slow boring technique to minimise any localised turbidity for the installation of the support piles for the wharf and pontoons, in order to minimise resuspension of surface sediments and the smothering of nearby macroalgae and epifauna on rock rubble. The details of the boring technique will be provided with the application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage
14	Aquatic Flora and Fauna	The proponent will operate the proposal, postconstruction, in accordance with current 'best practice' measures in respect of the maintenance of boats and facilities.	Sydney Heritage Fleet Future Operator	As part of the on-going operation of the site.
15	Climate Change and Sea Level Rise	The sea wall has been identified as the potential primary defence against the projected sea level rise. Therefore, the proponent will, as part of the operations and maintenance regime of the site, undertake monitoring of the sea wall and assess for the impacts described. In addition, the proponent will stay up to date with actual sea level rise trends. These details will be outlined in an OEMP which will address: • Monitoring and Maintenance programs to reduce the risk of movement/erosion of the seawall; • Any future building adaptability/adaptation measures; and • Emergency response elements associated with sea level rise, including inundation and extreme events e.g. wave run-up.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Occupation Certificate stage and as part of the ongoing operation of the site.
16	Coastal Flood Risk	The proponent will consider design adaptation changes which may include:	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		• If required, raise the sea wall to defend against projected potential sea level rise. • Develop and construct a "flexible design" whereby in the future the ground floor can be raised. • Establish all services (particularly electricity) above the projected inundation levels within the ground level building. • Raise the height of the ground level as part of the current development to accommodate the projected higher sea levels.		Certificate stage.
20	Land Contamination	The proponent will select a construction methodology which minimises sediment disturbance, results in little spoil generation at the surface, allows for the impacts of a potential chemical attack and is accompanied by appropriate control measures to protect the marine environment during the works. Such details will be incorporated into the CEMP and will be provided with the application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage.
21	Land Contamination	The proponent will prepare and include a specific management plan for dealing with any acid sulphate soils encountered during construction. This management plan will be incorporated into the CEMP and provided with the application for a Construction Certificate.	Sydney Heritage Fleet UrbanGrowth NSW	At the Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b) and during construction.
22		Deleted - Satisfied		
23		Deleted - Satisfied		
24	Noise	The proponent will prepare and implement a construction noise management plan in relation to the	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		demolition and construction works. The details of this will be included within the CEMP.		and during construction.
26	Onsite Stormwater Detention (OSD)	Council's drainage engineering unit advised that, as the site fronts Blackwattle Bay, there is no requirement for OSD at the site or any restriction on the rate of stormwater discharge from the site. However, the proponent acknowledges that some discharge restrictions may need to be implemented if new drainage connections are to be established to the existing drainage network. This matter will be resolved as part of the detailed design of the proposal and details in this regard will be provided as part of the Construction Certificate application.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage. Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
27	Overland Flow Routing	The proponent will ensure that the proposed design is in accordance with the overland flow routing requirements set out in the Stormwater Drainage Concept Plan and overland flow mitigation strategy. In this respect, the proponent acknowledges that: • The development should be designed to ensure an overland flow path is maintained between Bank Street and Blackwattle Bay. • The overland flow path should be designed to convey the excess stormwater flow unable to be conveyed within the below ground stormwater pipe network for events up to and including the 100 year ARI storm flow. • Some form of boundary treatment will likely be required to divert overland flow during major storm events around the building to the eastern access way (east of the boat	Sydney Heritage Fleet UrbanGrowth NSW	The required details will be provided at the Construction Certificate stage and compliance may be determined at the Occupation Certificate stage. Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		sheds) and western access way (along western boundary). • Further works may be required in order to gain approval from Sydney City Council for the proposed overland flow mitigation strategy. A full network assessment will be required to determine the required capacity of the overland flow path and potential mitigation measures. • A preliminary assessment estimated the overland flow rate during a 100 year ARI event was between 84 L/s and 116 L/s, depending on the capacity of the existing pipe network. • In accordance with City of Sydney Stormwater Drainage Design Code (Draft August 2009) the depth of flow should generally be less than 0.2 m and the velocity less than 1 m/s. • Further details in this regard will be provided as part of the Construction Certificate application.		
29	Stormwater Quality	The proponent will provide for the following measures during the construction period in order to minimise the amount of sediment and potentially contaminated water which leaves the construction site: • A designated wash out area, set aside for waste water generating activities. The wash out area will be located away from drainage lines and street gutters. All runoff from the wash out area will be upstream of a sediment fence which will intercept sediment; and • Stockpiles of sand and soil will be sheltered or covered with a plastic sheet to prevent rainfall from mobilising soils.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		Stockpiles of building materials will be located away from drainage lines to prevent potentially contaminated surface water runoff from being routed directly into gutters		
30	Stormwater Quality	The proponent will prepare and implement a Construction Phase Erosion and Sedimentation Control Plan as part of the CEMP prior to commencement of site works.	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction
31	Stormwater Quality	The proponent accepts and will implement the detailed water quality treatment strategy provided within Water Sensitive Urban Design Strategy. Any further details required in this regard will be provided as part of the Construction Certificate application.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	At the Construction Certificate stage Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b) and as part of the ongoing operation of the site.
32	Traffic (Construction)	The proponent will prepare and implement a traffic management plan for the construction period, which will include details specifying: - Construction period, including stages of construction. - The daily volume of construction traffic generated (trucks, plant & equipment vehicles, materials delivery and construction staff vehicles) for demolition and construction phases. - Truck routes and times in order to protect amenity of nearby residents. - Site Access for trucks & construction staff. Control of soil / mud from being dropped from the	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		wheels of construction vehicles onto adjacent public streets when those vehicles leave the construction site. • Construction staff parking zones. The traffic management plan will be included within the CEMP.		
33	Waste Management	The proponent will ensure that the selected building contractor prepares and implements a detailed waste management plan, in accordance with the recommendations provided by SLR Consulting. This will include: • Clean, suitable demolition materials are to be stockpiled on site and reused where appropriate within the construction phase of the works. • Unsuitable or contaminated materials are to be removed from site, classified and treated or disposed of at an appropriate facility. • Where necessary during the infrastructure stage of works, qualified and certified contractors should be engaged to remove all contaminated/hazardous material. • Construction materials are selected with consideration to their long lifespan and potential for reuse. • Correct quantities of construction materials are ordered and prefabricated materials are used where possible. • Formwork is reused onsite. • Site disturbance and unnecessary excavation is limited. • Careful source separation of waste (e.g. offcuts) is conducted to prevent	Sydney Heritage Fleet UrbanGrowth NSW	At the Construction Certificate stage and during construction.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		crosscontamination of waste and to facilitate reuse, resale or efficient recycling. • Subcontractors are informed of site waste management procedures. • Records of all waste types and amounts collected by contractor are maintained. • The building contractor shall identify opportunities for waste avoidance, in accordance with Section 4.3 of SLR Consulting's • Waste Management Plan (Appendix 24). • The management of construction materials and waste including options for reuse and recycling where applicable and practicable should be conducted. Only Project wastes that cannot be cost effectively reused or recycled are to be sent to landfill or appropriate disposal facilities. • The building contractor shall implement the procedures outlined at Section 4.4 of SLR Consulting's Waste Management Plan (Appendix 24). • Careful source separation of waste (e.g. offcuts) is conducted to prevent crosscontamination of waste and to facilitate reuse, resale or efficient recycling. • The Building Contractor will need to specify the types and quantities of wastes produced during construction. • The building contractor will implement the waste storage and servicing matters outlined at Section 4.6 of SLR Consulting's		

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		• Waste Management Plan (Appendix 24). • Standard signage will be posted in all storage/waste collection areas and all drums/bins will be labelled correctly and clearly to identify materials stored within. • Employed staff and contractors will be made aware of all recycling initiatives and waste storage/handling requirements. • Records of waste volumes recycled, reused or contractor removed are to be maintained and reported on a quarterly basis. • Waste audits are to be carried out to gauge the effectiveness and efficiency of waste segregation procedures and recycling/reuse initiatives. Where audits show that the above procedures are not carried out effectively, additional staff training should be undertaken and signage re-examined.		
33A	Waste Management	In addition to the matters under SOC33, the proponent will ensure that the selected building contractor prepares and implements a detailed waste management plan relating to the land-based works that includes: • Clean, suitable demolition materials are to be stockpiled on site and reused where appropriate within the construction phase of the works. • Unsuitable or contaminated materials are to be removed from site, classified and treated or disposed of at an appropriate facility. • Where necessary during the infrastructure stage of works,	UrbanGrowth NSW	Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		qualified and certified contractors should be engaged to remove all contaminated/hazardous material. • Formwork is reused onsite		
34	Waste Management	The proponent will implement the operational waste management details as outlined. This will form part of the OEMP and include the following aspects: • Any liquid wastes or dangerous goods wastes generated by the Project (e.g. due to damage or leakage of containment) should be disposed of by a suitably qualified contractor to an appropriately licensed disposal facility. • No liquid wastes or wash down waters should be disposed of via the stormwater drainage system. Wastewater storage tanks (including stormwater collection tanks) should be carefully monitored to ensure overflow does not occur. • Containment measures for spillages should be provided nearby (e.g. a spill kit containing noncombustible absorbent material). • No liquid wastes or wash down waters should be disposed of via the stormwater drainage system. • Wastewater storage tanks should be carefully monitored to ensure overflow does not occur. • All contaminated and hazardous wastes (i.e. fluorescent tubing, batteries, e-wastes and smoke detectors) should be recycled at an appropriately licensed facility. • Fluorescent tubes and other globes can be recycled via prepaid	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Details may be provided at the Occupation Certificate stage and will need to be implemented as part of the on-going operation of the site.

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		packs suitable for Australia Post to recycling facilities in Australia. • E-waste (electronic waste such as computers) and batteries contain heavy metal contaminants and should be recycled at an appropriately licensed recycling facility. • Smoke detectors should be returned to the supplier for disposal (this is a condition of the supplier's licence to sell smoke detectors) and not disposed of with general landfill waste as they contain small amounts of radioactive material. Contact the supplier for information on how to return used smoke detectors.		
35	Water Management	The Proponent will apply for the relevant Environment Protection Licence as required by any condition of consent and as a requirement of the Environment Protection Authority	Sydney Heritage Fleet UrbanGrowth NSW	The relevant application will be made prior to the issue of an Occupation Certificate, or as otherwise specified by a condition of consent.
36	Water Management	The Proponent will ensure that coal and grate ash are not spill in the waterway. This will be ensured by continuing approved coal and ash management and handling methods in use by the Fleet for almost 50 years.	Sydney Heritage Fleet Future Operator	This will be implemented as part of the on-going operation of the site.
37	Navigation	Aids to navigation including lights on the protective dolphins on the western side of the proposed marina and the southern ends of the eastern fixed wharf will be incorporated. Details will be provided at the Construction Certificate stage for approval by the Harbour Master and implemented as part of the construction process.	Sydney Heritage Fleet UrbanGrowth NSW	Consultation with the Harbour Master will occur prior to the issue of a construction certificate and the works implemented

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
				during construction.
38	Aquatic Flora & Fauna	The Proponent will not install mesh decking on the berthing facility as stipulated by NSW Fisheries.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Note
39	Stormwater Quality	All stormwater treatment measures are to be consistent with the Water Sensitive Urban Design objectives and the City of Sydney Stormwater Drainage Design Code (draft August 2009).	Sydney Heritage Fleet UrbanGrowth NSW	Further design details will be incorporated at the Construction Certificate stage and the works incorporated during construction.
40	Stormwater Quality	All stormwater is to be appropriately treated prior to discharge from the site.	Sydney Heritage Fleet UrbanGrowth NSW	Further design details will be incorporated at the Construction Certificate stage and the works incorporated during construction. Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
41	Stormwater Quality	All works within or adjacent to riparian lands should be consistent with the NSW Office of Water Guidelines for Controlled Activities, noting the specific exemptions that apply under the Water Management (General) Regulation 2011.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Further design details will be incorporated at the Construction Certificate stage and the works incorporated during construction.
42		Deleted - Satisfied		

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
43	Location of Buildings & Structures	The proposed buildings are clear of the Anzac Bridge and associated easements.	Construction Contractor and Sydney Heritage Fleet UrbanGrowth NSW	All buildings will be constructed clear of the Bridge and easements and subject to the necessary certifications during construction and prior to an occupation certificate being issued.
44	Site Access - RMS Sydney Heritage	The building contractor and future operator will provide access to RMS and UGNSW on an as required basis to all structures and easements favouring RMS/ UGNSW.	Sydney Heritage Fleet Building contractor/ Future Operator	Access will be provided during construction and operation as required.
45	Integrity of Easements (RMS)	The integrity of the easements is not to be compromised.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	All construction and operational aspects of the site will have the necessary regard for the integrity of easements.
51		Deleted - Superseded by conditions of approval		
52		Deleted - Superseded by conditions of approval		
53		Deleted - Superseded by conditions of approval		
54		Deleted - Superseded by conditions of approval		
55	Potential Aboriginal Cultural Archaeology	If any Aboriginal 'objects' as defined under the National parks and Wildlife Act 1974, are located during the course of the excavations, the National Parks and Wildlife Service should be contacted immediately and the Metropolitan Local Aboriginal Land Council should apply for a Care Agreement with the	Building Contractor	This requirement will be incorporated into the construction management plan and dealt with during site

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		Department of Environment Climate Change and Water to enable them to retain the objects.		construction, as required.
56	Potential Aboriginal Cultural Archaeology	The Interpretation Strategy at SOC53 is to include interpretation of Aboriginal history.	Project Archaeologist	Upon completion of SOC 52.
57	Travel Management	The Green Travel Plan is to provide initiatives to encourage sustainable transport practices by both staff and visitors to the facility.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator in conjunction with traffic consultant	Prior to Occupation of the Premises.
58	Security Management Plan	A Security Management Plan is to be developed addressed by the CEMP as part of the construction certificate documentation and necessary works included in the construction drawings	Sydney Heritage Fleet UrbanGrowth NSW	Prior to issue of a Construction Certificate
59	Wayfinding Signage	Appropriate signage is to be provided, showing the location of the Harbour Foreshore Walk	Sydney Heritage Fleet UrbanGrowth NSW	Prior to issue of an Occupation Certificate
60	Pedestrian Accessibility	Refer to Council Issue 5.4	UrbanGrowth NSW	Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
60A	Public Domain Improvements	Refer to Council Issue 5.5	UrbanGrowth NSW	Prior to application for Construction Certificate relating to the land-based component as described in B1(a-b)
62	Use of Kiosk/Cafe	The kiosk pavilion will be subject to a further development application to be determined by the City of Sydney Council. This application will be for	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Prior to occupation of kiosk and subject to

NO.	ITEM	COMMITMENT	RESPONSIBILITY	TIMING
		use of the kiosk and associated fit out works.		development approval.
63	Heritage Interpretation Strategy	To ensure that the historical attributes of the site are adequately recognised, it is proposed that a heritage interpretation strategy would be prepared in consultation with the City Council and RMS, in conjunction with any findings associated with SOC 52.	Sydney Heritage Fleet UrbanGrowth NSW	Prior to final occupation of the site
64	Boating Bazaars	28 days prior to any boating bazaar taking place at the site, the local community will be notified by a letter box drop of such activities. This will include the date and time of such activities, as well as any specific information regarding the event that is relevant.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	On-going basis during operation of the site.
65	Public Domain Plan	A Public Domain Plan will be prepared in consultation with the City Council, with its content agreed prior to the issue of a construction certificate, and works to be completed prior to the issue of the final occupation certificate.	Sydney Heritage Fleet UrbanGrowth NSW/ Future Operator	Plan to be prepared prior to issue of construction certificate relating to the land-based component as described in B1(a-b); works to be implemented prior to issue of final occupation